

BECKER INVITES FATHER CURRY TO EXECUTION

Priest Tells of Calmness with Which Murderer Views His End.

MINTYRE'S HELP IS NOT ASKED

W. Bourke Cockran Will Take Writ of Error to Washington on Thursday.

When the Rev. James F. Curry, rector of St. James' Church, saw Charles Becker in the Sing Sing deathhouse last Wednesday he found the condemned man in calm preparation for death, convinced that the reported projected legal moves in his behalf will not be successful.

"Becker is not afraid to die," said Father Curry, who has known the former policeman for many years. "He has helped practically every man he has known in the deathhouse to approach his doom bravely, and I know that he will be as brave when the time comes for him to leave his cell for the last time."

"What does it matter if I die now, instead of a few years hence?" Becker said to me last week. "It is not the fact of death that I dread—it is that I must die in the chair. I would rather die in the chair than linger here for years under a term of life imprisonment. I do not want commutation. Commutation would carry with it the stigma of guilt as strongly as it attaches to the man who goes to the chair. What I want is vindication nothing else."

"Becker is in favor of capital punishment. He has made that clear to me on several occasions. I spoke to him of the agitation against capital punishment by women in Chicago. Becker did not appear to be greatly interested. He said, 'I wouldn't worry about anything like that in my behalf.'"

Father Curry said Becker had asked him to be present at the execution. The priest would have liked to refuse, but he feels that inasmuch as he has been Becker's spiritual comfort for so many years he should need to do this.

The priest met Becker the first time when the latter was a desk lieutenant at the Madison Street police station. Father Curry complained about the sale of liquor to children, one of whom had been attacked by a bartender. Becker, Father Curry says, cleaned up the disturbance and made several arrests. The next time they met was on the occasion of a raid conducted by Becker's Strong Arm Squad. The place raided was later run by Rocky Cornell, recently sentenced to twenty years for murder.

"I am absolutely convinced that Becker is innocent," Father Curry said. "Shortly after his arrest for murder, as I was talking with him in the Tombs, he said to me, 'You don't look like a man who would commit such a crime.'"

The priest will visit Becker again to-day.

There was no encouraging development yesterday in the reported plan to save Becker by obtaining testimony in his behalf by a John Doe inquiry into the death of "Big Tim" Sullivan, the manner of whose death was questioned by legal friends of Becker. William B. Ellison, one of Sullivan's intimates, said yesterday he had no doubt that "Big Tim" met his death accidentally by being struck by a train, and he had not heard any of Sullivan's other close friends and his relatives contend that the former Senator had been murdered.

Strangely, part in this story as well as in that of Becker. The priest said a prayer at the wake over Sullivan. Yesterday he was asked if he had heard anything unusual in the remarks of Sullivan's relatives and friends about that time.

"On that night," Father Curry replied, "one of Mr. Sullivan's relatives said, after I had made a prayer, that Mr. Sullivan was never in better health than on the day preceding his death. He said Mr. Sullivan, just before his death, had spoken as if somebody was in trouble because of him."

Upholders of the murder theory assert that this tends to confirm their belief, saying that Sullivan knew Becker was innocent and planned to effect his release if the courts did not. Father Curry says that, though he is in possession of nothing to prove, he is convinced that "Big Tim" was murdered.

W. Bourke Cockran and Martin T. Manton, who are working on new legal plans to save Becker, were busy on the case together until late last evening. They announced that they had no statement to make. It seems probable now that Mr. Cockran will go to Washington on Thursday with the application for a writ of error to be sought from the United States Supreme Court.

John F. McIntyre, who sent a letter to Becker on July 1 suggesting John Doe proceedings, called into consultation by Mr. Cockran. Mr. McIntyre says a John Doe proceeding could be moved on the ground that certain persons conspired to charge Becker with murder. Witnesses at the inquiry could not be prosecuted on the testimony they gave. If that testimony were favorable to Becker a justice of the Supreme Court in this state could be asked to grant a new trial on the ground of newly discovered evidence.

Crossing the track at Maple Street, Jersey City, a car from Central train had passed, William B. Sutton was killed by a train coming from the opposite direction. His home was at 152 Cator Avenue, Jersey City.

These Theatres Do Not Deal With Tenth Co.

NEW AMSTERDAM

MATINEE TODAY AT 2:10

ZIEGFELD FOLLIES

AT THE BIRTH OF A NATION

HARRIS

YOU LAUGH ALL THE TIME

NEW MAT TO-DAY

BRIGHTON

EVELYN THAW, WHO CAME TO TOWN YESTERDAY, BUT WENT RIGHT BACK TO THE ADIRONDACKS LAST NIGHT. SHE WILL NOT TESTIFY AGAINST HER HUSBAND.



EVELYN THAW GOES BACK HOME

Continued from page 1

New York home, following her arrival at the Grand Central before 9 a. m.

Mr. Cook said that he had no motion to make at that time. He hinted that Evelyn might make a real dramatic entrance any minute.

Later the Deputy Attorney General made another announcement.

If Mrs. Thaw did not appear to testify he would apply for a writ of body attachment, he said.

Dr. Flint at once said that he succeeded in locating the dancer, and that she would be prepared to talk to reporters at her home, on West Eleventh Street, at 5 p. m.

Rumors filtered into court about "searching the city far and wide" for her, about Mr. Cook offering \$50 and then raising the amount to \$75 to any person who would produce Evelyn Nesbit Thaw in court, not yesterday, but at this morning's session, and the story went around that she would be arrested just as soon as she stepped foot in the Grand Central Terminal last night.

As soon as court adjourned Mr. Cook disappeared. Efforts to get in communication with him were vain. At the Hotel Willard, 254 West Seventy-sixth Street, the clerk said at 9 p. m. that Mr. Cook had retired at 8 o'clock, leaving instructions that he was not to be disturbed under any circumstances. Unavailing were the attempts to reach Edgar Bromberg or any other of Mr. Cook's assistants.

Dr. Austin Flint's home, 118 East Nineteenth Street, was called on the telephone. As soon as the person who answered found that a reporter desired to talk with the alienist the reply came: "He is out and we don't think he will be back until very late."

John B. Stanchfield, chief of Harry K. Thaw in his fight for freedom. She did not even go near the Supreme Court Building, where she was to have faced again, after eight years, the man who shot Stanford White because of her. She merely obtained a physician's certificate that she was unable to stand the ordeal of testifying.

This is the abrupt story of what promised to be one of the most dramatic days in her intense career. When we left Chateaugay Lake Monday night, I thought I was seeing an example of relentless Fate pursuing one who had brought down the ill will of the gods upon herself. I saw her driving across the stormy lake in a frail boat. She was shivering with fear. Her clothes were drenched and her wet hair streamed about her pale, drawn face. It seemed as if tragedy, which had pursued this girl since she was fifteen years old, was driving her now to the hardest ordeal of all.

Even the stern Adirondack women, watching her from the hotel porch, as she struggled up the path through the storm, forgot to criticize her.

The scene then changed to Evelyn Thaw's city home, at 23 West Eleventh Street.

At 5 o'clock I found her sitting alone on the stairs of the deathhouse. The windows were boarded up, the rugs and pictures gone. There was only one candle, which Mrs. Thaw held above her head, lighting the way.

"I'm like Diogenes, looking for an honest man," she laughed.

Presently other reporters arrived, and we sat in a circle around her in the empty dining room. The tragic atmosphere was entirely gone. Even the appearance of physical illness had vanished after one taste of New York. Evelyn Thaw yesterday was bright-eyed, animated, more nervous, perhaps, but no less mistress of herself than she was when she mistoned wits with Jerome on the witness stand.

"Yes, I'm going back to camp to-night," she laughed. "I brought Russell some shoes, and myself a new hat, and that's the most important thing I've done to-day."

"No, I'm not going to testify against Harry Thaw. I saw Deputy Attorney General Cook this morning, in answer to the subpoena which was served on me last week, but I shall not testify. In company with Mr. Cook and Dr. Austin Flint, I went to Dr. Bernays' Laboratory, 536 West 113th Street, and had a medical examination. The doctor agreed with the statement of the doctor I had in camp last week, the I was in no fit condition to stand the ordeal of testifying. I am not afraid to testify. On the contrary. I do know, however, that I have the future to think of. A month ago I discovered that I had a serious nervous ailment, from which I could never hope to be-

Evelyn Thaw, After Buying Hat, Departs Without Testifying

Declares She Will Not Be Witness Against Husband—Doctor's Certificate Saves Her from Court Ordeal—Returns to Mountain Camp.

By KIMA BUGBEE.

Mrs. Evelyn Nesbit Thaw spent Tuesday in New York City. She bought a new hat, visited her doctor, chatted with old friends, and at 3:30 she took the Montreal Express back to Chateaugay Lake.

She did not testify against Harry K. Thaw in his fight for freedom. She did not even go near the Supreme Court Building, where she was to have faced again, after eight years, the man who shot Stanford White because of her. She merely obtained a physician's certificate that she was unable to stand the ordeal of testifying.

Telephone conversations with Dr. Flint and Dr. Livingston cleared up the mystery about her excuse from court. Both doctors admitted that a medical certificate had been given her. In reference to the interview printed last week, Mrs. Thaw said she had no intention or desire to reflect on the good judgment of any one connected with the present trial.

As soon as her mind was freed from its weight of terror, Mrs. Thaw talked readily about her life in the Adirondacks camp, where her four-year-old son, Russell Thaw, and Jack Clifford, her dancing partner, had been fishing all day for the biggest trout in two lakes to grace the feast on her return.

Russell Thaw is the pet of the entire Chateaugay Lake colony. His wise and funny remarks are relayed from fire-side to fire-side, via the hotel, where all news centers. The latest contrivance came on Sunday, after a rainy night. Jack Clifford had been pumping out his motor boat, to the great delight of Russell. When the task was over he trudged up the steep bank to the house.

"Nellie," he called to the cook, "please turn on some more rain, so Jack can pump again."

GIRL KILLED BY RUNAWAY

Two Chums Hurt When Freight Stuns the Three.

While hundreds of girls were crossing Second Avenue, at Fifty-ninth and Sixtieth Streets, to reach the factories near the Queensboro Bridge yesterday morning, the shouting of men caused all to stop and look toward the north roadway of the bridge.

Second Avenue galloped a team of horses, with the driver trying in vain to halt their progress into the crowd.

Miss Jennie Russo, seventeen years old, of 234 East Fifty-eighth Street, was crossing the street with two companions, Margaret and Freda Darquille. In their fright they stopped in the path of the runaway. Miss Russo was dead when picked up and the other two slightly injured.

Frank Lenihan, thirty-six years old, of 301 Jackson Avenue, Long Island City, the driver, was charged with homicide and held in \$500 bail by Corporation, 536 West 113th Street, and had a medical examination. The doctor agreed with the statement of the doctor I had in camp last week, the I was in no fit condition to stand the ordeal of testifying. I am not afraid to testify. On the contrary. I do know, however, that I have the future to think of. A month ago I discovered that I had a serious nervous ailment, from which I could never hope to be-

SING SING HAS PLAY HOUR

Convicts Get Freedom of Yard from 6 to 7 p. m.

Warden Thomas Mott Osborne formally closed Sing Sing prison's theatrical season yesterday and announced

THAW SCIMITARS AND GUNS KEPT HARVARD AWAKE

Lively Rows with Cabmen Told in Court by College Mates.

GLEAMING DAGGER ENDED \$35 JACK POT

Armed Resistance Threatened at Suggestion Prisoner Was Cheating at Play.

The state put in as evidence yesterday at the insanity hearing of Harry K. Thaw the story of his student days at Harvard, which it had planned previously to obtain through a commission to examine Dr. Eliot, president of Harvard, at the time Thaw was summarily asked to leave.

It was found impractical to get that story from Dr. Eliot, who told the state attorneys that the events leading up to Thaw's departure had entirely faded from his mind. The witnesses yesterday, however, gave more vivid pictures of Thaw's student life than Dr. Eliot could have given.

These witnesses were Frank K. Scribner, a writer, living at Mount Vernon, and James O. Nichols, a lawyer, of Short Hills, N. J. Both were in the Harvard Law School in 1891 and 1892, and lived at Mrs. Spivee's select boarding house for students, at 38 North Avenue, at the same time Thaw lived there. A. L. Becker, deputy Attorney General, asked Mr. Scribner to tell the story of a certain night when Thaw came home in a cab.

"I was sitting in my room one night between 10 and 11 o'clock," Scribner said, in beginning his story, "when I heard a noise. The front door opened, and I heard some one run upstairs. I went out into the hall and saw Thaw running downstairs with a shotgun in his hands."

"I and another man followed him, down and grabbed the gun away from him at the front door. My companion was a powerful man."

"I don't remember what was said exactly, but after we took the gun away the man who was with me said to Thaw: 'Go upstairs to your room.' He went and I followed him. I found him sitting on his bed. I don't think he had been drinking."

"Did you ever have any grievance against Thaw?" demanded one of the jurors, rising in his seat.

"No," the witness replied. Under cross-examination he said that he had no idea how the Attorney General's office learned that he knew this story. He said that he was subpoenaed to testify, and was doing so against his will.

Then came Mr. Nichols with more of the tale of Thaw's student days. Thaw, he said, was a special student, and had a room on the second floor in

the rear. When asked by Mr. Becker to tell the story of Thaw's fight with the cabman, he said:

"I saw Thaw standing on the sidewalk in front of the house engaged in an altercation with a cabman over the amount of the fare, which was \$5. I believe. Thaw threatened to shoot the cabman, and was induced to enter the house by myself, Mrs. Spivee and other."

Mr. Nichols said he did not see the shotgun in Thaw's hands, as it had been taken away from him inside the house by Scribner and his companion. The next scene Mr. Nichols described was a poker game in Thaw's room.

"Thaw was engaged in the game with another student," Mr. Nichols said. "There were five or six in the room, but only those two were in that particular play which was for a jackpot on which each had bet about \$35. There was dispute as to the outcome."

"Thaw became very much incensed, and seized an ornamental brass scimitar or dagger. The glass in a book-case was broken and Thaw received a cut on his wrist. His violence was caused by his indignation at an imputation that he was not fair in play."

Then the witness passed to an even more serious incident of Thaw's life at Mrs. Spivee's. He learned of it, he said, at a conference held in the kitchen at which Mrs. Spivee, himself, a boy, a policeman and Thaw were present.

"The conference concerned the boy who was the policeman's son," Mr. Nichols said. "The charge against Thaw was made by Mrs. Spivee in Thaw's presence. When I learned that the boy's father was a member of the police force I withdrew."

"What was the charge against Thaw as stated by Mrs. Spivee?" Mr. Becker asked the witness.

The quick objection by John B. Stanchfield, Thaw's counsel, shut off an answer, and Justice Hendrick ruled that the objection was well taken.

The next time Mr. Nichols saw Thaw in action was at Jack's restaurant, New York City. This was several years later, in 1900. Thaw had a dispute with some persons at a neighboring table, Mr. Nichols said, in the course of which Thaw was struck.

"I helped him downstairs," Mr. Nichols said. Then Mr. Stanchfield took him in cross-examination.

"In your student days altercations between students and cabmen over fares were not uncommon were they?" Thaw's counsel said. The jurors began to smile.

"I don't suppose so," Nichols replied. "If you were in a poker game and some one cast an imputation on your fairness you would do something, wouldn't you?"

"I suppose I would," Nichols replied, "but I don't play poker."

"Well, if I can get you into the atmosphere of a game, haven't you often seen men when luck was running against them tear a pack of cards in two and send for fresh ones?" Mr. Stanchfield asked.

"I never saw anything just like that," Mr. Nichols replied, "but I have seen men lose their tempers in games."

Then Mr. Stanchfield took up the incident at Jack's and asked if it was true that that place was known for its pugilistic waters, who formed flying wedges to eject guests. He had all the jurors smiling now and the seriousness of Thaw's student escapades seemed to have been banished from their minds. But Mr. Becker restored it in part when he asked Mr. Nichols:

"If you were in a poker game and some one charged you with cheating you would not grab a dagger and attack him with it, would you?"

"No, I would not," Mr. Nichols said. Under further questions by Mr. Stanchfield as to how it happened he was asked to come and tell his story. Mr. Nichols said the Attorney General's office had obtained a student catalogue of the years Thaw was in Harvard and had interviewed all those whose addresses showed they were neighbors of Thaw.

Neither of these witnesses nor their

stories had ever been brought out in any previous Thaw trial. It was a turn by Mr. Becker, a Harvard graduate.

The rest of the day was taken up by reading letters written by Thaw and testimony from previous hearings bearing on Thaw's insanity. Most of it was testimony given by Thaw's own experts at these trials to prove him insane.



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Boys' straws down too!

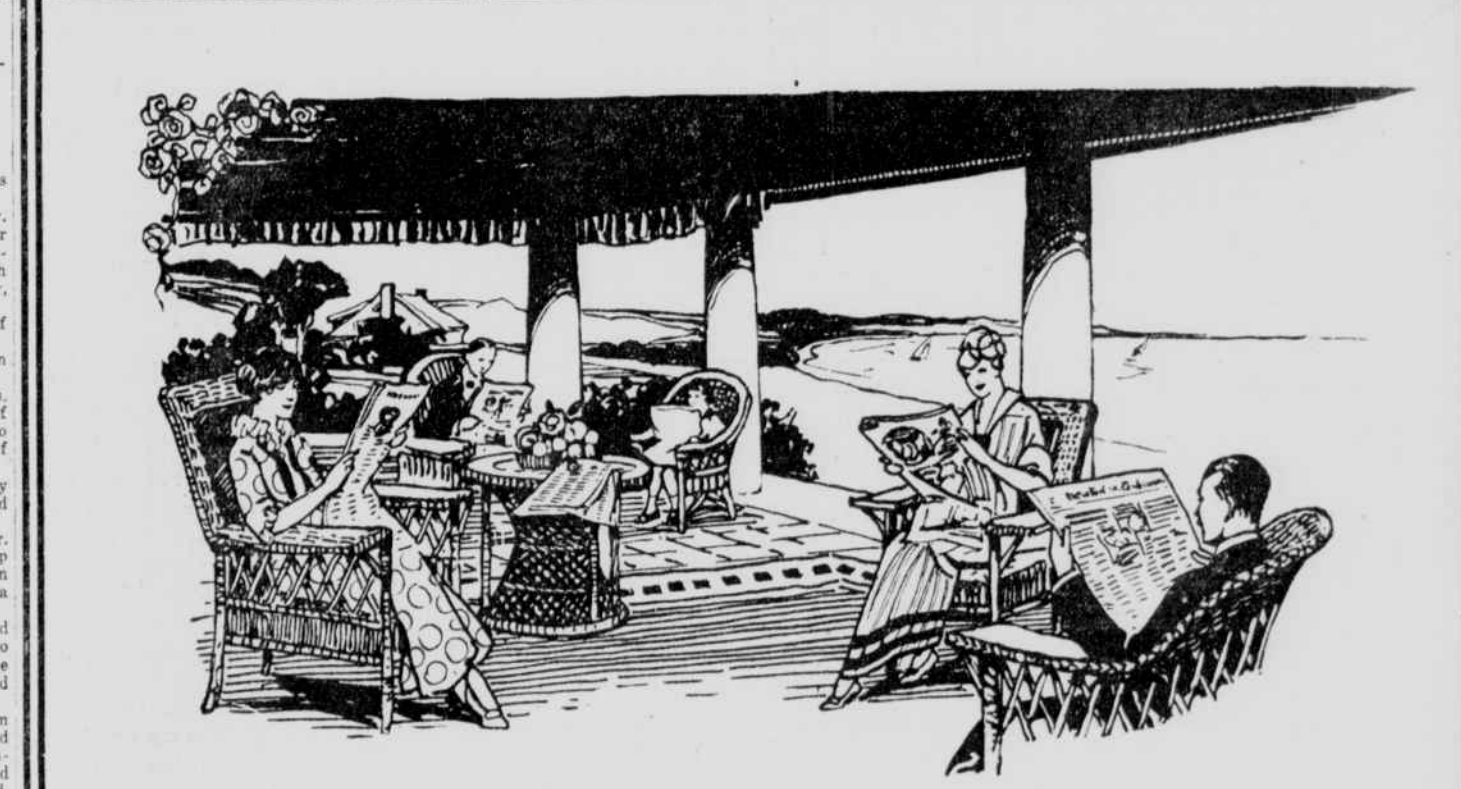
Where are the men with narrow feet?

Though "the picking's fair at all sizes," the best chance at the reduced Oxfords to-day are among the narrow widths \$4 and \$5.50. Were \$5.00 to \$9.00.

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